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10/543,019	12/22/2005	Norishige Kawaguchi	501/43589/Case 102-PCT-US	3950
279 7590 02/03/2010 TREXLER, BUSHNELL, GIANGIORGI, BLACKSTONE & MARR, LTD. 105 WEST ADAMS STREET SUITE 3600 CHICAGO, IL 60603				
EXAMINER COHEN, JODIE				
ART UNIT		PAPER NUMBER		
1791				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptodocket@trexlaw.com

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 01/07/2010 have been fully considered but they are not persuasive.

Applicant states that applicant has previously established that the selection of material to manufacture a polyolefin -polyamide resin is not predictable, as stated by the declaration of Norishige Kawaguchi and that examiner did not dispute this conclusion.

On the contrary, examiner disputed this conclusion in the final office action filed, 11/16/2009. The declaration is further disputed below.

The declaration of Kawaguchi explains why the specific melting points of the polyamide-polyolefin and antioxidants are necessary then simply states that it would not have been obvious to one of ordinary skill in the art to look to various materials of US 5424104 to Amimoto and be able to predict the effect those antioxidants would have on the manufacturing process.

In regards to the declaration, let it first be noted that this declaration is regarding a former grounds of rejection. The present rejection is regarding Yamamoto JP 11-106570 in view of Semen (US 6596198). The combined teachings of Yamamoto and Semen as explained in the office action filed, 11/16/2009 fulfill the temperature requirements of claim 1 that are explained to be necessary in the declaration.

Applicant's statements in the declaration of 03/24/2009 also state that the use of antioxidants within these temperature ranges produce new and unexpected results such as ability to knead and disburse the mixture, or preventing scorching. One of ordinary skill in the art knows viscosity is temperature dependent. It is considered completely within the realm of a skilled artisan to choose materials that have melting points so that the antioxidant and polyolefin-polyamide mixture is the optimal viscosity for kneading, rolling, or extruding without the temperature required damaging equipment used.

In regards to the current rejection, both Semen and Yamamoto teach forming plastic pellet compositions using extrusion techniques comprising polyolefin resins as well as antioxidants. Where both Yamamoto and Semen disclose pelletizing a polyolefin resin mixture it is considered that it would have been obvious to one of ordinary skill in the art of pelletizing resins using extrusion techniques to look to the teachings of Semen or Yamamoto. Semen teaches antioxidants to stabilize the resin mixture, thus one of ordinary skill in the art would be inclined to have added antioxidants as disclosed by Semen. Furthermore the court has held that where there are a finite number of identified predictable solutions, i.e. a finite number of additional antioxidants, with a reasonable expectation of success, such as stabilization of the product, it would be obvious to one of ordinary skill in the art "to try" one of the solutions. See MPEP 2141. Furthermore, where Semen discloses the antioxidants stabilize the polyolefin resin, it would have been obvious to one of ordinary skill in the art through routine experimentation to choose antioxidants that provide the best stabilization.

Applicants also argue that Semen provides antioxidants for stabilization; however Semen additionally provides "fatty acids" to prevent such antioxidants from fusing to the pellet mill. Thus making the method of Semen too complex and leading to increase in cost.

In response to the above argument, it is not germane to the present rejection as to whether or not Semen requires an additional component of "fatty acids." Semen still teaches providing antioxidants for stabilization when forming plastic pellet compositions using extrusion techniques comprising polyolefin resins, Thus one of ordinary skill in the

art would also be motivated to include antioxidants. Furthermore, claim 1 of the present application states a method "comprising" thus additional components such as fatty acids may be included and still meet the limitations of claim 1. In regards to the complexity and cost of the method of Semen, this does not overcome the present rejection. Some artisans may choose a complex and costly method in order to provide a more stabilized product, this argument does not necessarily prove that one of ordinary skill in the art would not be motivated to modify the teachings of Yamamoto with those of Semen.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jodi Cohen whose telephone number is 571-270-3966. The examiner can normally be reached on Monday-Friday 7:00am-5:00pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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